

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT LIRIANO,

Plaintiff,

-v-

MENACHEM OVADIA, et al.,

Defendants.

CIVIL ACTION NO. 23 Civ. 2829 (JAV) (SLC)

**ORDER TO INITIATE
DEFAULT PROCEEDINGS**

SARAH L. CAVE, United States Magistrate Judge.

On April 4, 2023, Plaintiff Robert Liriano (“Plaintiff”) filed this action under the Fair Labor Standards Act, 29 U.S.C. § 201 et seq., and the New York Labor Law § 650 et seq., alleging that Defendants Menachem Ovadia, Moti Mizrahy, and Sigalit Mizrahy (together, “Defendants”) paid him sub-minimum wages, failed to pay him overtime wages, and did not provide him with wage notices or statements. (See generally ECF No. 1).

On January 10, 2025, the Court granted a Motion to Withdraw as Counsel for Defendants filed by Attorney David Pretter (“Mr. Pretter”). (ECF No. 42 (the “Jan. 10 Order”)). The Jan. 10 Order—which Mr. Pretter served on Defendants via email and the United States Postal Service (see ECF No. 45)—informed Defendants that “by law, corporations cannot proceed pro se” and thus directed them to retain new counsel, who was to file a notice of appearance by Monday February 10, 2025. (ECF No. 42). The Jan. 10 Order further warned Defendants that “their failure to retain new counsel [could] lead to entry of a certificate of default and a default judgment.” (Id. at 4).

Despite the Court's clear warnings, new counsel has not appeared on Defendants' behalf, and Defendants have not requested additional time to comply. Accordingly, Plaintiff is hereby ORDERED to request a Certificate of Default from the Clerk of Court by **Tuesday, March 4, 2025** and to file a Motion for Default Judgment in accordance with the Individual Practices of the Honorable Jeannette A. Vargas, Rule 55 of the Federal Rules of Civil Procedure, and S.D.N.Y. Local Rule 55 by no later than **Tuesday, March 18, 2024**.

Dated: New York, New York
February 25, 2025

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge